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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,699	01/26/2001	F. Daniel Gealy	98093DIV	7854

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EXAMINER	
TRINH, MICHAEL MANH	
ART UNIT	PAPER NUMBER
2822	

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/770,699	GEALY ET AL.	
	Examiner	Art Unit	
	Michael M Trinh	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-80* is/are pending in the application.

4a) Of the above claim(s) *44,50 and 61-80* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38-43,45-49 and 51-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *10* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

*** This office action is in response to Applicant's Amendment filed on October 15, 2002. Claims 1-37 were canceled. Claims 38-80 are currently pending, of which claims 44,50,61-80 are non-elected, without traverse.

*** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

1. Claim 51 is objected for having the following typographical errors

*** In claim 51, line 3, after "grain", previous recited term "polysilicon" is missing. Correction is respectfully required.

Claim Rejections - 35 USC § 102

2. Claims 38-39,42-43,45-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Agarwal et al (6,165,834).

Agarwal et al teach a method for forming a capacitor comprising at least the steps of: forming a first electrode (38 in Fig 5; col 5, lines 14-30; 24 in Fig 2; col 3, lines 42-45) selected from a group consisting of a conductive metal oxide; forming a dielectric (40 in Fig 5, col 5, lines 14-30; 26 in Fig 2; col 3, lines 55-65) on the first electrode and on an uppermost surface of a substrate assembly; and forming a second electrode (42 in Fig 5; 30,38 in Fig 2; col 4, line 62 through col 5, line 7) on the dielectric and the uppermost surface of the substrate assembly, wherein the dielectric is formed between the first and second electrodes, wherein the metal oxide including CVD Ruthenium dioxide, RuO_2, wherein x = 2, wherein the second capacitor electrode including Platinum, TiN, Ru, WN, polysilicon, wherein the dielectric 40,26 includes barium strontium titanate (BST), $SrTiO_3$, (Ba, $Sr_)TiO_3$, Ta_2O_5 (col 3, lines 55-65).

Claim rejections - 35 USC § 103

3. Claims 40,41-43,45,48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al (6,165,834) taken with Fukuzumi et al (6,222,722).

Agarwal et al teach a method for forming a capacitor as applied above to claims 38-39,42-43,45-49, and fully repeated herein.

Agarwal disclose many alternative materials for forming the electrodes or dielectric, but does not list all materials as recited in claims 40,41-43,45,48.

However, Fukuzumi et al teaches a method for forming a capacitor as applied above to claims 38-43,45-49,52-57, wherein the first electrode 13,52 of metal including ruthenium, platinum, Ir, Rh and its metal oxide including RuO_2, wherein x = 2 (col 14, line 66 through col 15, line 10; col 9, lines 49-67; col 16, line 62 through col 7; col 20, lines 10-25), wherein the second electrode 15,54 including ruthenium, platinum, wherein material for forming the electrode including ruthenium, platinum, oxide thereof, or W, WN, Al, Ti, TaN (col 17, lines 12-18), wherein the dielectric 14,53 includes barium strontium titanate (BST), Ta_2O_5, $SrTiO_3$, $BaSrTiO_3$ (col; 17, lines 3-10).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the electrodes or the dielectric of Agarwal by using other alternative materials as well known in the semiconductor art and as combinatively taught by Fukuzumi and Agarwal, because substitution of art recognized equivalent materials would have been obvious and within the level of ordinary skill in the semiconductor art. Re further claim 40, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the capacitor electrode of Agarwal in the opening by planarization after CVD forming the first electrode as taught by Fukuzumi (Fig 4; col 7, lines 40-59) because of the desirability to isolate a plurality of lower electrodes one from each other, and to form stacked container capacitor having high capacitance.

4. Claims 38-43,45-49,51,52-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuzumi et al (6,222,722) taken with Agarwal et al (6,165,834).

Fukuzumi et al teaches a method for forming a capacitor comprising at least the steps of: forming on a substrate assembly a layer of hemispherical grain polysilicon (12 in Fig 11; col 9, line 45 through col 10; 51 in Figs 30-34; col 14, line 45 through col 15); forming a planarization first electrode of a CVD metal (13 in Fig 12; col 7, lines 40-60; or 52 in Figs 30-34) on the polysilicon selected from a group consisting of transition metal or a conductive metal oxide; forming a dielectric 14,53 on the first electrode and on an uppermost surface of the substrate assembly; and forming a second electrode (15 in Fig 13; 54 in Fig 33) on the dielectric, wherein the dielectric is formed between the first and second electrodes, wherein the first electrode 13,52 of metal including ruthenium, platinum, Ir, Rh and its metal oxide including RuO_2, wherein x =

2 (col 14, line 66 through col 15, line 10; col 9, lines 49-67; col 16, line 62 through col 7; col 20, lines 10-25), wherein the second electrode 15,54 including ruthenium, platinum, wherein material for forming the electrode including ruthenium, platinum, oxide thereof, or W, WN, Al, Ti, TaN (col 17, lines 12-18), wherein the dielectric 14,53 includes barium strontium titanate (BSTO), Ta_2O_5, $SrTiO_3$, $BaSrTiO_3$ (col; 17, lines 3-10), wherein removing the hemispherical grain polysilicon 23,4 is shown in Figs 22-23, 4-5, wherein the substrate assembly comprising an interconnect 3 recessed in the substrate (Figs 1-5,21-24,33,38), wherein the substrate assembly comprising a contact (Figs 21-24,333,38), wherein the first electrode formed in the contact and the interconnect recessed in the substrate.

Fukuzumi already teaches to form the dielectric 8 on the first electrode 7 and on the uppermost surface of the substrate assembly 2, but lacks to form the second electrode 9 on the substrate assembly.

However, Agarwal teaches in a first embodiment at Figures 3-4 to form a first planar capacitor having the second electrode 30/28 formed on the dielectric 26 formed on the first electrode 24 and the uppermost surface of the substrate assembly 16. Agarwal then teaches in a second embodiment at Figure 5 to form a second capacitor in trench by forming the dielectric 40 on the first electrode 38 and an uppermost surface of the substrate assembly, and forming the second electrode 42 on the dielectric 40 and the uppermost surface of the substrate assembly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the capacitor of Fukuzumi by forming the second electrode 9 on the dielectric and on the uppermost surface of the substrate assembly as shown by Agarwal because of the desirability to form a trench capacitor having a planar electrode structure and to eliminate the step formed by patterning the second electrode and dielectric.

Re further claims 41-43,45,58, Fukuzumi teaches many alternative materials for forming the electrodes or dielectric, but does not list all materials. Indeed, Fukuzumi et al teaches a method for forming a capacitor as applied above to claims 38-43,45-49,52-57, wherein the first electrode 13,52 of metal including ruthenium, platinum, Ir, Rh and its metal oxide including RuO_2, wherein x = 2 (col 14, line 66 through col 15, line 10; col 9, lines 49-67; col 16, line 62 through col 7; col 20, lines 10-25), wherein the second electrode 15,54 including ruthenium, platinum, wherein material for forming the electrode including ruthenium, platinum, oxide

thereof, or W, WN, Al, Ti, TaN (col 17, lines 12-18), wherein the dielectric 14,53 includes barium strontium titanate (BST), Ta_2O_5, $SrTiO_3$, $BaSrTiO_3$ (col; 17, lines 3-10). However, Agarwal also teaches to form the dielectric between the first and second electrodes, wherein the metal oxide including CVD Ruthenium dioxide, RuO_2, wherein x = 2, wherein the second capacitor electrode including Platinum, TiN, Ru, WN, IrO, RuO, Pt, Ir, polysilicon (col 3, lines 42-45; col 5, lines 1-7), wherein the dielectric 40,26 includes barium strontium titanate (BST), $SrTiO_3$, (Ba, Sr)TiO_3 , Ta_2O_5 (col 3, lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the electrodes or the dielectric of Fukuzumi by using other alternative materials as well known in the semiconductor art and as combinatively taught by Fukuzumi and Agarwal, because substitution of art recognized equivalent materials would have been obvious and within the level of ordinary skill in the semiconductor art. Re claim 40, wherein planarization after CVD forming the first electrode is taught by Fukuzumi (at Fig 4; col 7, lines 40-59) because of the desirability to isolate a plurality of lower electrodes one from each other, and to form stacked container capacitor having high capacitance.

5. Claims 38-43,45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fazan (5,478,772) taken with Agarwal (6,165,834), and further of Fukuzumi (6,22,722).

Fazan teaches a method for forming a capacitor comprising at least the steps of: forming a first electrode 85 (Fig 11A,9B; col 4, line 60 through col 5, line 7) selected from a group consisting of transition metal or a conductive metal oxide; forming a dielectric 90 (col 5, lines 27-44) on the first electrode; and forming a second electrode 95 (col 5, lines 20-26) on the dielectric, wherein the dielectric is formed between the first and second electrodes (Fig 11A; col 5, line), wherein the metal includes platinum formed by CVD, wherein the metal oxide includes RuO_2, wherein x = 2, wherein the second electrode includes CVD of Platinum, TiN, wherein the dielectric includes barium strontium titanate (BST), $SrTiO_3$, $Ba_xSr_{1-x}TiO_3$.

Fazan teaches to form the second electrode 95 on the dielectric 90 formed on the first electrode 85 and on the uppermost surface of the substrate assembly 40, but lacks to form the second electrode 95 on the substrate assembly.

However, Agarwal teaches in a first embodiment at Figs 3-4 a first planar capacitor having the second electrode 30/28 formed on the dielectric 26 formed on the first electrode 24 and the uppermost surface of the substrate assembly 16. Agarwal then teaches in a second embodiment at Fig 5 a second capacitor by forming the dielectric 40 on the first electrode 38 and an uppermost surface of the substrate assembly, and forming the second electrode 42 on the dielectric 40 and extending on the uppermost surface of the substrate assembly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the capacitor of Fazan by forming the second electrode 95 on the dielectric and on the uppermost surface of the substrate assembly as shown by Agarwal because of the desirability to form a trench capacitor having a planar electrode structure and to eliminate the step formed by patterning the second electrode and dielectric.

Re further claims 40,41-43,45,48, Fukuzumi et al teaches a capacitor, wherein the first electrode 13,52 of metal including ruthenium, platinum, Ir, Rh and its metal oxide including RuO_2, wherein x = 2 (col 14, line 66 through col 15, line 10; col 9, lines 49-67; col 16, line 62 through col 7; col 20, lines 10-25), wherein the second electrode 15,54 including ruthenium, platinum, wherein material for forming the electrode including ruthenium, platinum, oxide thereof, or W, WN, Al, Ti, TaN (col 17, lines 12-18), wherein the dielectric 14,53 includes barium strontium titanate (BSTO), Ta_2O_5, $SrTiO_3$, $BaSrTiO_3$ (col; 17, lines 3-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the electrode or the dielectric of Fazan by using other alternative materials as well known in the semiconductor art and as combinatively taught by Fukuzumi and Fazan, because substitution of art recognized equivalent materials would have been obvious and within the level of ordinary skill in the semiconductor art. Re claim 40, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the capacitor of Fazan in the opening by planarization after CVD forming the first electrode as taught by Fukuzumi (Fig 4; col 7, lines 40-59) because of the desirability to isolate a plurality of lower electrodes one from each other, and to form stacked container capacitor having high capacitance.

Response to Amendment

*** Applicant's remarks filed Oct. 15, 2002 with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Forming the dielectric on the first electrode and on an uppermost surface of the substrate assembly, and forming the second electrode on the dielectric and on the uppermost surface of the substrate assembly are anticipatively taught by Agarwal.

Also, it would have been obvious to one of ordinary skill in the art to form the capacitor of Fukuzumi by employing the teaching of Agarwal because of the desirability to form a trench capacitor having a planar electrode structure and to eliminate the step formed by patterning the second electrode and dielectric.

Re claims 51 and 52, Applicant merely remarked that claim 51 is not identical to amended claim 52, but fails to point out the difference. Applicant is advised that by incorporating all limitations of base claim 38, scope of amended claim 51 is substantially identically duplicated that of claim 52. Accordingly, one of the claims 51 or 52 should be amended or cancelled to avoid the duplication. See also MPEP § 706.03(k).

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael M. Trinh whose telephone number is (703) 308-2554. The examiner can normally be reached on M-F: 8:30 Am to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (703) 308-4905. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Oacs

Michael Trinh
Primary Examiner